

Kenneth A. Gallo (*pro hac vice*)  
Paul D. Brachman (*pro hac vice*)  
**PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP**  
2001 K Street, NW  
Washington, DC 20006-1047  
Telephone: (202) 223-7300  
Facsimile: (202) 204-7420  
Email: kgallo@paulweiss.com  
Email: pbrachman@paulweiss.com

William B. Michael (*pro hac vice*)  
Crystal L. Parker (*pro hac vice*)  
Daniel A. Crane (*pro hac vice*)  
**PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP**  
1285 Avenue of the Americas  
New York, NY 10019-6064  
Telephone: (212) 373-3000  
Facsimile: (212) 757-3990  
Email: wmichael@paulweiss.com  
Email: cparker@paulweiss.com  
Email: dcrane@paulweiss.com

Joshua Hill Jr. (SBN 250842)  
**PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP**  
535 Mission Street, 24th Floor  
San Francisco, CA 94105  
Telephone: (628) 432-5100  
Facsimile: (628) 232-3101  
Email: jhill@paulweiss.com

*Attorneys for Defendant Intuitive Surgical, Inc.*

[Additional counsel listed on signature page]

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

SURGICAL INSTRUMENT SERVICE  
COMPANY, INC.,

*Plaintiff,*

v.

INTUITIVE SURGICAL, INC.,

*Defendant.*

Case No. 3:21-cv-03496-AMO

**DEFENDANT'S ADMINISTRATIVE  
MOTION FOR LEAVE TO FILE  
OBJECTIONS TO PLAINTIFF'S  
DEMONSTRATIVE EXHIBIT FOR  
OPENING STATEMENTS**

The Honorable Araceli Martínez-Olguín

**NOTICE OF MOTION AND MOTION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Civil Local Rule 7-11, Defendant Intuitive Surgical, Inc. (“Intuitive”) hereby brings this Administrative Motion for Leave to file the attached statement of its objections to the demonstratives that Plaintiff Surgical Instrument Service Company, Inc. (“SIS”) has proffered for use during opening statements at trial tomorrow. Intuitive respectfully requests that the Court grant leave for this filing because SIS’s opening demonstratives implicate the Court’s core rulings on the parties’ motions *in limine*, and cannot be presented in their current form without misleading the jury about key disputed facts or opening the door to evidence that the Court has excluded at SIS’s request. Granting leave will allow the Court to consider these issues with the benefit of the succinct explanation of the bases for Intuitive’s objections attached hereto as Exhibit A.

This motion is based upon this Notice of Motion and Motion, the accompanying Objections attached as Exhibit A hereto, and such arguments and authorities as may be presented at or before any hearing. Counsel for Intuitive has met and conferred with counsel for SIS, and SIS has represented that it opposes this motion.

Accordingly, Intuitive respectfully requests that the Court grant leave for Intuitive to file the attached statement of the basis for its objections to SIS’s opening statement demonstratives (Exhibit A).

Dated: January 5, 2025

By: /s/ Kenneth A. Gallo  
Kenneth A. Gallo

Kenneth A. Gallo (*pro hac vice*)  
Paul D. Brachman (*pro hac vice*)  
**PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON LLP**  
2001 K Street, NW  
Washington, DC 20006-1047  
Telephone: (202) 223-7300  
Facsimile: (202) 204-7420  
Email: kgallo@paulweiss.com  
Email: pbrachman@paulweiss.com

1 William B. Michael (*pro hac vice*)  
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3 Daniel A. Crane (*pro hac vice*)  
4 **PAUL, WEISS, RIFKIND, WHARTON &**  
5 **GARRISON LLP**  
6 1285 Avenue of the Americas  
7 New York, NY 10019-6064  
8 Telephone: (212) 373-3000  
9 Facsimile: (212) 757-3990  
10 Email: wmichael@paulweiss.com  
11 Email: cparker@paulweiss.com  
12 Email: dcrane@paulweiss.com

13 Joshua Hill Jr. (SBN 250842)  
14 **PAUL, WEISS, RIFKIND, WHARTON &**  
15 **GARRISON LLP**  
16 535 Mission Street, 24th Floor  
17 San Francisco, CA 94105  
18 Telephone: (628) 432-5100  
19 Facsimile: (628) 232-3101  
20 Email: jhill@paulweiss.com

21 Sonya D. Winner (SBN 200348)  
22 **COVINGTON & BURLINGTON LLP**  
23 415 Mission Street, Suite 5400  
24 San Francisco, California 94105-2533  
25 Telephone: (415) 591-6000  
26 Facsimile: (415) 591-6091  
27 Email: swinner@cov.com

28 Kathryn E. Cahoy (SBN 298777)  
**COVINGTON & BURLINGTON LLP**  
3000 El Camino Real  
5 Palo Alto Square, 10th Floor  
Palo Alto, California 94306-2112  
Telephone: (650) 632-4700  
Facsimile: (650) 632-4800  
Email: kcahoy@cov.com

Andrew Lazerow (*pro hac vice*)  
**COVINGTON & BURLINGTON LLP**  
One City Center 850 Tenth Street NW  
Washington DC 20001-4956  
Telephone: (202) 662-6000  
Facsimile: (202) 662-6291  
Email: alazerow@cov.com

1 Allen Ruby (SBN 47109)  
2 **ALLEN RUBY, ATTORNEY AT LAW**  
3 15559 Union Ave. #138  
4 Los Gatos, California 95032  
5 Telephone: (408) 477-9690  
6 Email: allen@allenruby.com

7 *Attorneys for Defendant*  
8 *Intuitive Surgical, Inc.*  
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**CERTIFICATE OF SERVICE**

I, Kenneth A. Gallo, hereby certify that on January 5, 2025, I caused a true and correct copy of the foregoing Administrative Motion for Leave to File Objections to Plaintiff's Demonstrative Exhibit for Opening Statements to be electronically filed via the Court's Electronic Case Filing System, which pursuant to the Court's order of September 29, 2008, constitutes service in this action on counsel of record for Surgical Instrument Service Company, Inc.

Dated: January 5, 2025

By: /s/ Kenneth A. Gallo  
Kenneth A. Gallo

*Attorney for Intuitive Surgical, Inc.*